

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Christine Alberto,

Plaintiff,

—v—

Michael Morales, *et al.*,

Defendants.

USDC SDNY
DOCUMENT
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DATE FILED: MAR 17 2016

15-cv-9449 (AJN)

ORDER

ALISON J. NATHAN, District Judge:


On March 15, 2016, Defendants Cyrus R. Vance, Fionnuala O'Doherty, Mireille Dee, and the New York County District Attorney's Office filed a motion to dismiss. Pursuant to Rule 3.F of this Court's Individual Practices in Civil Cases, on or before March 25, 2016, Plaintiff must notify the Court and her adversaries in writing whether (1) she intends to file an amended pleading and when she will do so or (2) she will rely on the pleading being attacked. Plaintiff is on notice that declining to amend her pleadings to timely respond to a fully briefed argument in the Defendants' March 15, 2016 motion to dismiss may well constitute a waiver of the Plaintiff's right to use the amendment process to cure any defects that have been made apparent by the Defendants' briefing. *See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC*, 797 F.3d 160 (2d Cir. 2015) (leaving "unaltered the grounds on which denial of leave to amend has long been held proper, such as undue delay, bad faith, dilatory motive, and futility").

If Plaintiff chooses to amend, Defendants may then (a) file an answer; (b) file a new motion to dismiss; or (c) submit a letter stating that they rely on the initially-filed motion to dismiss.

Nothing in this Order alters the time to amend, answer or move provided by the Federal Rules of Civil Procedure or Local Rules.

SO ORDERED.

Dated: March 17, 2016
New York, New York

A handwritten signature in black ink, appearing to read 'Alison J. Nathan', written in a cursive style.

ALISON J. NATHAN
United States District Judge